

Burdett, Cheryl

From: Koleda, Rachel (DEQ) <KoledaR@michigan.gov>
Sent: Thursday, October 30, 2014 8:06 AM
To: Lynn Henning
Cc: Creal, William (DEQ); Russell, Jon (DEQ); Burdett, Cheryl; **FOIA Exemption (b) (6)**;
Subject: **FOIA Exemption (b) (6)**
RE: FW: Milksource Hudson Dairy SW corner of M-34 and Waldron Road Pittsford Township day before a holiday (Columbus Day)

Good Morning Lynn,

The time that this picture (DSCN4364) was taken at 4:43 pm on October 12, matches the information provided by the producer that this was the final clearing of the lines at the end of the manure application. This form of surface application should have only occurred for a maximum of 15 minutes, and is not representative of the application that occurred on the vast majority of the field (which received the immediate incorporation following application). The producer stated that the section of field that received the surface application of the line cleaning manure received a pass with the tillage equipment immediately after all the material had been applied. My visual observation of that portion of the field (although you are correct and it was several days later) appeared consistent with the description of the process given by the producer and I saw no signs in the field that manure had ponded there or that manure residue had remained on the surface without proper incorporation.

Rachel

Rachel Koleda
Jackson District Office
Water Resources Division
Michigan Department of Environmental Quality
Office: (517) 780-7917

From: Lynn Henning [mailto:lynnh@sraproject.org]
Sent: Wednesday, October 29, 2014 4:05 PM
To: Koleda, Rachel (DEQ); Russell, Jon (DEQ); Burdett, Cheryl; **FOIA Exemption (b) (6)**;
FOIA Exemption (b) (6)
Cc: Creal, William (DEQ)
Subject: Re: FW: Milksource Hudson Dairy SW corner of M-34 and Waldron Road Pittsford Township day before a holiday (Columbus Day)

Rachel,

In the picture I have attached the manure is not incorporated AFTER it is being applied. Please look again. The disk is behind the tractor **PRIOR** to the manure application not AFTER. I see NO mixing tool behind the manure being applied as you state. You would not find evidence of manure on October 23 because according to the permit it would have to be verified within one hour after mixing that is listed below in the permit not almost two weeks later. This is what the permit states below:

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f) Methods
CAFO waste shall be subsurface injected or incorporated into the soil within 24 hours of application.

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Incorporation means a mechanical operation that physically mixes the surface-applied CAFO waste into the

soil so that a significant amount of the surface-applied CAFO waste is not present on the land surface **within one hour after mixing.** Incorporation also means the soaking into the soil of "liquids being used for irrigation water"

such that liquids and significant solid residues do not remain on the land surface. "Liquids being used for irrigation water" are contaminated runoff, milk house waste, or liquids from CAFO waste treated to separate liquids and solids. "Liquids being used for irrigation water" does not include untreated liquid manures.

Thank you,
Lynn

On Wed, Oct 29, 2014 at 3:10 PM, Koleda, Rachel (DEQ) <KoledaR@michigan.gov> wrote:

Good Afternoon Lynn,

I conducted a field visit to this field on October 23, 2014 to verify that the information I had been given by the producer was consistent with the practices that had been utilized on the field. At the time of that visit, I found no evidence of manure residue remaining on the surface of the field. Records submitted by the producer and the photographs that you provided of the application equipment confirm that the application method (a terra disk 6001 in this case) involves immediate incorporation of the manure with the soil (since a set of discs immediately follows the manure splash plates as the application is occurring). Since the incorporation is immediate, it would not be necessary for the field to receive additional tillage. This type of application can also lead to the pattern seen in the aerial photograph from October 22 (labeled IMG_0406), with the tilled portion of the field where manure was applied appearing darker in color than the undisturbed portions of the field that did not receive manure or tillage.

Thank you, Rachel

From: Lynn Henning [mailto:lynnh@sraproject.org]

Sent: Thursday, October 23, 2014 7:30 AM

To: Koleda, Rachel (DEQ)

Cc: Creal, William (DEQ); Burdett, Cheryl; Russell, Jon (DEQ); **FOIA Exemption (b) (6)** ;

FOIA Exemption (b) (6)

Subject: Re: FW: Milksource Hudson Dairy SW corner of M-34 and Waldron Road Pittsford Township day before a holiday (Columbus Day)

Rachel,

I am attaching a picture taken yesterday October 22. I am again filing a complaint for a violation of the Hudson Dairy permit. According to the picture there has been NO physical mixing of the surface applied CAFO waste on this field at the SW corner of M-34 and Waldron Road.

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soil so that a significant amount of the surface-applied CAFO waste is not present on the land surface within one hour after mixing. Incorporation also means the soaking into the soil of "liquids being used for irrigation water" such that liquids and significant solid residues do not remain on the land surface. "Liquids being used for irrigation water" are contaminated runoff, milk house waste, or liquids from CAFO waste treated to separate liquids and solids. "Liquids being used for irrigation water" does not include untreated liquid manures.

On Fri, Oct 17, 2014 at 9:52 AM, Koleda, Rachel (DEQ) <KoledaR@michigan.gov> wrote:

Good Morning Lynn,

Looking at the equipment in the photographs you provided and through discussion with the producer, I was able to confirm that they were injecting manure and immediately incorporating with at least 1 set of discs for the manure application to the majority of the field. I was also able to confirm with the producer that after the final portion of the application (when they were cleaning out the lines and surface applying) that they did a follow-up pass with the tillage equipment to ensure the physical mixing of the applied waste with the soil. No modifications have been made to the permit in regards to the field application of CAFO waste, all the requirements as outlined in your email below are still required for the appropriate application of CAFO waste to farm fields.

Thank you, Rachel

From: Lynn Henning [mailto:lynnh@sraproject.org]

Sent: Thursday, October 16, 2014 5:22 PM

To: Koleda, Rachel (DEQ)

Cc: FOIA Exemption (b) (6)

Subject: Re: FW: Milksource Hudson Dairy SW corner of M-34 and Waldron Road Pittsford Township day before a holiday (Columbus Day)

Rachel,

I have not seen a modification of the permit to allow surface application of waste with no incorporation following the application? This is not what the bold print says below in their permit. The tool in the picture is prior to waste application therefore does not physically mix the surface-applied CAFO waste into the soil.

Please clarify if there has been a modification to the permit that I am not aware of?

Thanks,
Lynn

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soil so that a significant amount of the surface-applied CAFO waste is not present on the land surface within one hour after mixing. Incorporation also means the soaking into the soil of "liquids being used for irrigation water" such that liquids and significant solid residues do not remain on the land surface. "Liquids being used for irrigation water" are contaminated runoff, milk house waste, or liquids from CAFO waste treated to separate liquids and solids. "Liquids being used for irrigation water" does not include untreated liquid manures.

On Tue, Oct 14, 2014 at 3:32 PM, Koleda, Rachel (DEQ) <KoledaR@michigan.gov> wrote:

Good Afternoon Lynn,

I have spoken with the producer and they are following appropriate land application practices as outlined in their permit.

Thank you, Rachel

Rachel Koleda

Jackson District Office

Water Resources Division

Michigan Department of Environmental Quality

Office: [\(517\) 780-7917](tel:5177807917)

From: Creal, William (DEQ)

Sent: Sunday, October 12, 2014 6:26 PM

To: Russell, Jon (DEQ)

Subject: Fwd: Milksource Hudson Dairy SW corner of M-34 and Waldron Road Pittsford Township day before a holiday (Columbus Day)

----- Original message -----

From: Lynn Henning

Date: 10/12/2014 6:18 PM (GMT-05:00)

To: "Creal, William (DEQ)"

Subject: Milksource Hudson Dairy SW corner of M-34 and Waldron Road Pittsford Township day before a holiday (Columbus Day)

FYI

Surface application 2nd day no incorporation.

GFSX MOS FORECASTS

KADG	GFSX MOS GUIDANCE 10/12/2014 1200 UTC														
FHR	24	36	48	60	72	84	96	108	120	132	144	156	168	180	192
	MON	13	TUE	14	WED	15	THU	16	FRI	17	SAT	18	SUN	19	MON CLIMO
N/X	49	72	59	72	54	66	49	64	45	66	44	59	40	58	39 39 61
TMP	53	67	62	64	55	59	51	56	48	58	45	50	41	49	40
DPT	51	60	59	58	52	51	47	46	44	44	41	38	37	38	36
CLD	OV	OV	OV	OV	OV	OV	OV	PC	PC	CL	CL	CL	CL	CL	CL
WND	6	12	12	15	14	7	5	11	6	15	9	16	6	8	5
P12	73	44	85	94	59	52	42	22	14	16	22	30	17	16	21999999
P24		82		100		79		51		16		49		25	999
Q12	1	1	3	5	2	1	1	0	0	0	0	0			
Q24		2		5		3		1		0		1			
T12	28	14	50	25	17	15	9	2	5	2	5	3	2	3	2
T24			50		25		22		5		8		3		5
PZP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PSN	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3
PRS	0	1	1	1	0	2	1	1	1	2	5	5	6	3	2
TYP	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
SNW		0		0		0		0		0		0			

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Lynn Henning

Regional Associate, Socially Responsible Agriculture Project

Recipient, 2010 Goldman Environmental Prize

Clayton, Michigan

lynnh@sraproject.org

FOIA Exemption (b) (6)

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